

Notice of Allowability

Application No.

10/540,082

Examiner

Chad Rapp

Applicant(s)

WADDING ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11/07/07.
2. ☒ The allowed claim(s) is/are 1, 4-16 renumbered as 1-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Glenn D. Smith on 11/9/07.
3. The application has been amended as follows:
 - As to claim 1, line 4 "the prescription" is replaced with --a prescription--.
 - As to claim 1, line 4 "the lens" is replaced with --a lens--.
 - As to claim 1 lines 4-5 "the inspection" is replaced with --an inspection--.
 - As to claim 4, line 1 "A method" is replaced with --The method--.
 - As to claim 5, line 1 "A method" is replaced with --The method--.
 - As to claim 5, line 4 "the current SKU" is replaced with --a current SKU--.
 - As to claim 6, line 1 "A method" is replaced with --The method--.
 - As to claim 6, line 3 "the next SKU" is replaced with --a next SKU--.
 - As to claim 7, line 1 "A method" is replaced with --The method--.
 - As to claim 8, line 1 "A method" is replaced with --The method--.
 - As to claim 9, line 1 "A method" is replaced with --The method--.
 - As to claim 10, line 1 "A method" is replaced with --The method--.
 - As to claim 10 line 1 "claims 6 to 9" is replaced with --claim 6--.
 - As to claim 10 line 4 "the end" is replaced with --an end--.

As to claim 11, line 1 "A method" is replaced with --The method--.

As to claim 11, line 1 "claims 6 to 10" is replaced with --claim 6--.

As to claim 11, line 2 both instances of "the carrier" is replaced with --a carrier--.

As to claim 11, line 1 "A method" is replaced with --The method--.

As to claim 13, line 1 "A method" is replaced with --The method--.

As to claim 13, lines 2-3 "the current" is replaced with --a current--.

As to claim 14, line 1 "A method" is replaced with --The method for tracking multiple SKUs--.

As to claim 15, line 1 "A method" is replaced with --The method for tracking multiple SKUs--.

As to claim 16, line 1 "A method" is replaced with --The method for tracking multiple SKUs--.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

Claim 3 was objected to in the office action dated 7/24/07; claim 3 along with claim 2 has been incorporated into independent claim 1.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

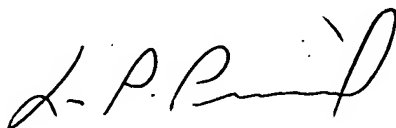
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Rapp whose telephone number is (571)272-3752. The examiner can normally be reached on Mon-Fri 11:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571)272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2125



cjr

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